

claim that the listed constituents are essentially present in an immobile form.⁴ (See 51 FR 37305-37307, October 21, 1986, for a more detailed explanation of why the Agency proposed to deny John Deere's petition.)

B. Agency Response to Public Comments

The Agency did not receive any comments on its proposed decision to deny an exclusion John Deere for the waste identified in the petition.

C. Final Agency Decision

For the reasons stated in the proposal, the Agency believes that the filter cake generated by John Deere is hazardous and as such should not be excluded from hazardous waste control. The Agency, therefore, is denying a final exclusion to John Deere Dubuque Works for its dewatered wastewater treatment sludge (filter cake) resulting from electroplating operations, listed as EPA Hazardous Waste No. F006, which is generated at its facility located in Dubuque, Iowa. By this action, the Agency also withdraws the temporary exclusion granted for this waste on December 16, 1981 [see 46 FR 61272].

III. United Chair, Inc.

A. Proposed Denial

United Chair, Inc. has petitioned the Agency to exclude its wastewater treatment sludge from EPA Hazardous Waste No. F006, based on the low concentration and immobilization of the listed constituents in the waste. Data submitted by United Chair, however, fails to substantiate its claim that the listed constituents are essentially present in an immobile form.⁵ (See 51 FR 37309-37310, October 21, 1986, for a more detailed explanation of why the Agency proposed to deny United Chair's petition.)

B. Agency Response to Public Comments

The Agency did not receive any comments regarding its decision to deny an exclusion to United Chair for the waste identified in the petition.

C. Final Agency Decision

For the reasons stated in the proposal, the Agency believes that the filter press sludge generated by United Chair is hazardous and as such should not be excluded from hazardous waste control. The Agency, therefore, is denying a final exclusion to the United Chair, Inc. for its

dewatered wastewater treatment sludge (filter press sludge) resulting from electroplating operations, listed as EPA Hazardous Waste No. F006, which is generated at its Irondale, Alabama facility. By this action, the Agency also withdraws the temporary exclusion granted for this waste on May 5, 1982.

IV. Effective Date

The Hazardous and Solid Waste Amendments of 1984 amended section 3010 of RCRA to allow rules to become effective in less than six months when the regulated community does not need the six-month period to come into compliance. This is not the case, however, for the three petitioners included in this notice having their temporary exclusions revoked and final exclusions denied. They will have to revert back to handling their wastes as they did before being granted these exclusions (*i.e.*, they must handle their wastes as hazardous). These petitioners will need some time to come into compliance with the RCRA hazardous waste management system. Accordingly, the effective date of the revocation of these temporary exclusions and denials is six months after publication of this final rule in the Federal Register.

V. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation, which would revoke temporary exclusions and deny petitions from three facilities is not major. The affect of this rule would increase the overall costs for the facilities which currently have temporary exclusions that are being revoked and denied. The actual costs to these companies, however, would not be significant. In particular, in calculating the amount of waste that is generated by these three facilities that currently have temporary exclusions and considering a disposal cost of \$300/ton, the increased cost to these facilities is approximately \$2.9 million, well under the \$100 million level constituting a major regulation. In addition, some of these companies are large and, therefore, the impact of this rule will be relatively small. This rule is not a major regulation; therefore, no Regulatory Impact Analysis is required.

VI. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. sections 601 through 612, whenever an Agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public

comment a regulatory flexibility analysis which describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). The Administrator may certify, however, that the rule will not have a significant economic impact on a substantial number of small entities.

This amendment will have the effect of increasing overall waste disposal costs. This rule only effects three facilities across different industrial segments. The overall economic impact, therefore, on small entities is small. Accordingly, I hereby certify that this regulation will not have a significant economic impact on a substantial number of small entities.

This regulation, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 261

Hazardous waste, Recycling.

Authority: Sec. 3001 RCRA, 42 U.S.C. 6921.

Dated: November 6, 1986.

J.W. McGraw,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 86-25839 Filed 11-14-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 261

[SW-FRL-3112-8]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusions

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) today is granting final exclusions for the solid wastes generated at three particular generating facilities from the lists of hazardous wastes contained in 40 CFR 261.31 and 261.32. This action responds to delisting petitions received by the Agency under 40 CFR 260.20 and 260.22 to exclude wastes on a "generator-specific" basis from the hazardous waste lists. The effect of this action is to exclude certain wastes generated at these facilities from listing as hazardous wastes under 40 CFR Part 261.

EFFECTIVE DATE: November 17, 1986.

ADDRESSES: The public docket for this final rule is located in the Sub-basement, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, and is available for public viewing from 9:30 a.m. to 3:30 p.m., Monday through Friday, excluding

⁴ John Deere was granted a temporary exclusion for this waste on December 16, 1981 (46 FR 61272).

⁵ United Chair was granted a temporary exclusion for this waste May 5, 1982.

Federal holidays. Call Mia Zmud at (202) 475-9327 or Kate Blow at (202) 382-4675 for appointments. The reference number for this docket is "F-86-TRFE-FFFFF". The public may copy a maximum of 50 pages of materials from any one regulatory docket at no cost. Additional copies cost \$.20/page.

FOR FURTHER INFORMATION CONTACT:

For general information, contact the RCRA/Superfund Hotline, toll-free at (800) 424-9346, or (202) 382-3000. For technical information, contact Lori DeRose, Office of Solid Waste (WH-562B), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 382-5096.

SUPPLEMENTARY INFORMATION: On October 16, 1986, EPA proposed to exclude specific wastes generated by three facilities, including: (1) Tricil Environmental Systems, Inc., located in Hilliard, Ohio (see 51 FR 36976); (2) Tricil Environmental Systems, Inc., located in Nashville, Tennessee (see 51 FR 36979); and (3) Tricil Environmental Systems, Inc., located in Muskegon, Michigan (see 51 FR 36983). These actions were taken in response to petitions submitted by these companies (pursuant to 40 CFR 260.20 and 260.22) to exclude their wastes from hazardous waste control. In their petitions, these companies have argued that certain of their wastes were non-hazardous based upon the criteria for which the waste was listed. The petitioners have also provided information which has enabled the Agency to determine whether any other toxicants are present in the wastes at levels of regulatory concern. The purpose of today's actions is to make final the three proposals and to make our decisions effective immediately. More specifically, today's rule allows all three of these facilities to manage their petitioned wastes as non-hazardous. The exclusions remain in effect unless the wastes vary from those originally described in the petitions (*i.e.*, the wastes are altered as a result of changes in the manufacturing or treatment processes).¹ In addition, generators still are obligated to determine whether these wastes exhibit any of the characteristics of hazardous waste.

The Agency notes that the petitioners granted final exclusions in today's **Federal Register** have been reviewed for both the listed and non-listed criteria. As required by the Hazardous and Solid Waste Amendments of 1984, the Agency

evaluated the wastes for the listed constituents of concern as well as for all other factors (including additional constituents) for which there was a reasonable basis to believe that they could cause the waste to be hazardous. These petitioners have demonstrated through submission of raw materials data, EP toxicity test data for all EP toxic metals, and test data on the four hazardous waste characteristics that their wastes do not exhibit any of the hazardous waste characteristics, and do not contain any other toxicants at levels of regulatory concern.

Limited Effect of Federal Exclusion

States are allowed to impose requirements that are more stringent than EPA's pursuant to section 3009 of RCRA. State programs thus need not include those Federal provisions which exempt persons from certain regulatory requirements. For example, States are not required to provide a delisting mechanism to obtain final authorization. If the State program does include a delisting mechanism, however, that mechanism must be no less stringent than that of the Federal program for the State to obtain and keep final authorization.

As a result of enactment of the Hazardous and Solid Waste Amendments of 1984, any States which had delisting programs prior to the Amendments must become reauthorized under the new provisions.² To date only one State (Georgia) has received approval for their delisting program. The final exclusions granted today, therefore, are issued under the Federal program. States, however, can still decide whether to exclude these wastes under their State (non-RCRA) program. Since a petitioner's waste may be regulated by a dual system (*i.e.*, both Federal (RCRA) and State (non-RCRA) programs), petitioners are urged to contact their State regulatory authority to determine the current status of their wastes under State law.

The exclusions made final here involve the following petitioners:

Tricil Environmental Systems, Inc.,
Hilliard, Ohio;
Tricil Environmental Systems, Inc.,
Nashville, Tennessee; and
Tricil Environmental Systems, Inc.,
Muskegon, Michigan.

I. Tricil Environmental Services, Inc.

A. Proposed Exclusion

Tricil Environmental Services, Inc., (Tricil), located in Hilliard, Ohio, has petitioned the Agency to exclude the residue of specific segregated wastes (filter press sludge and sludge storage piles) produced by its treatment facility from EPA Hazardous Waste Nos. K062 and F006 based on the low concentration and immobilization of the listed constituents in the waste. Data submitted by Tricil substantiate their claim that the listed constituents of concern, although present, are essentially present in an immobile form. Furthermore, additional data provided by Tricil indicate that no other hazardous constituents are present in the waste at levels of regulatory concern, and that the waste does not exhibit any of the characteristics of hazardous waste. (See 51 FR 36976-36979, October 16, 1986 for a more detailed explanation of why EPA proposed to grant Tricil's petition.)

B. Agency Response to Public Comments

The Agency received comments from Tricil regarding the Agency's decision to grant an exclusion for the waste identified in its petition. Tricil commented on the following aspects of the proposed exclusion: (1) The maximum acceptable limits for several constituents are below established quantification limits, and (2) the effective date of the final exclusion does not allow enough time for Tricil to come into compliance with the conditions of the exclusion. These comments are addressed below.

Tricil commented that the maximum acceptable levels (MALs) for 1,2-dichloroethane, chloroform, and 1,1-dichloroethane (0.0082, 0.012, and 0.01 ppm, respectively) are below the established analytical quantification limits (*i.e.*, 0.05 ppm as per the proposed toxicity characteristic (see 51 FR 21648-21693) for 1,2-dichloroethane and chloroform, and 0.05 ppm as per SW-846 Test Method 8240 for 1,1-dichloroethane.) Tricil suggested that the MALs for these three constituents be set at the quantification limit of 0.05 ppm. The Agency realizes that there are some constituents whose MALs are below standard EPA detection limits. The Agency has noted in previous notices that where hazardous constituents in a waste are determined to be nondetectable using appropriate analytical methods, the Agency will, as a matter of policy, not regulate the waste as hazardous. The Agency notes

¹ The current exclusions apply only to the processes covered by the original demonstrations. A facility may file a new petition if it alters its process. Should such a change occur, the facility must treat its waste as hazardous until a new exclusion is granted.

² RCRA Reauthorization Statutory Interpretation #4: Effect of Hazardous and Solid Waste Amendments of 1984 on State Delisting Decisions. May 16, 1985, Jack W. McGraw, Acting Assistant Administrator for the Office of Solid Waste and Emergency Response.

that Tricil has submitted analytical results with detection limits as low as 0.008 ppm for chloroform and 0.014 for 1,2-dichloroethane. (All reported results for 1,1-dichloroethane were greater than 0.05 ppm; however, the Agency believes these three compounds are similar enough that Tricil should be able to achieve detection limits less than 0.05 ppm for 1,1-dichloroethane.) The Agency, therefore, does not believe that it is necessary to raise the MALs to 0.05 ppm, but will review the petitioner's first six months of analytical data and, if a problem is demonstrated, will repropose the alternative detection limits as necessary.

Tricil requested that the Agency finalize the proposed exclusion prior to or on the HSWA deadline of November 8, 1986 but to postpone the cancellation of their temporary exclusion and the effective date of the final exclusion for six months. Tricil requested this extension of the temporary exclusion and postponement of the final exclusion in order to: (1) Allow Tricil to adjust its treatment system and/or eliminate clients in order to implement an effective organics pre-screening process to limit organic content in the waste, and (2) allow Tricil to develop the required laboratory capabilities and/or locate commercial laboratories to conduct the batch testing requirements of the conditional exclusion. Tricil believes that the Agency has the authority under HSWA to grant Tricil's request. Tricil's interpretation of HSWA is that "temporary exclusions issued prior to enactment cease to be in effect on November 8, 1986 unless EPA has promulgated a final decision to grant or deny a final exclusion by November 8, 1986." In addition, Tricil pointed out that the Agency has given facilities whose temporary exclusions are being denied a six month period to come into compliance. The Agency agrees with Tricil's arguments and, therefore, will allow Tricil a six month period to come into compliance with those conditions of the final exclusion pertaining to the level of organic toxicants in the delisted waste. The Agency, however, believes that it is appropriate for Tricil to implement immediately the testing requirements for the EP toxic metals, nickel, and cyanide since Tricil currently pre-screens incoming client wastes under the continuous testing provisions of their conditional temporary exclusion and has had ample time to prepare for this condition.

The Agency notes that since the draft of "EPA Support Document: Regulatory Standards and Solubilities of Constituents of Concern" (dated June

1986) has undergone recent updates, the proposed maximum acceptable levels for specific organics in Tricil's contingency plan (item #3) have been modified. Tricil will be required to test for the total content of the organic toxicants listed below. If the total content of any of these constituents exceeds the maximum levels listed below, the waste must be managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270. A corrected and final list of MALs for the Tricil wastes is provided in Table 1.

TABLE 1.—MAXIMUM ACCEPTABLE LIMITS FOR TRICIL WASTES

Constituents	Maximum acceptable limits (ppm)
Acrolein.....	¹ 56.8
Anthracene.....	76.8
Benzene.....	0.106
p-Chloro-m-cresol.....	133
1,1-Dichloroethane.....	0.01
Fluorene.....	10.4
Methylene chloride.....	8.2
Methyl ethyl ketone.....	326
n-Nitrosodiphenylamine.....	11.9
Phenanthrene.....	14
Tetrachloroethylene.....	0.188
Trichloroethylene.....	0.59
Chloroform.....	0.013
1,2-Dichloroethane.....	0.0083
1,2-trans-Dichloroethylene.....	231
2,4-Dimethylphenol.....	² 12.5
Vinyl chloride.....	0.18
1,2-Diphenyl hydrazine.....	³ 0.001

¹ The MAL cited in the proposed exclusion was based on a different solubility. The MAL cited here is based on a revised solubility.

² The MAL for 2,4-dimethyl phenol and 1,2-diphenyl hydrazine were reported incorrectly in the proposed exclusion.

C. Final Agency Decision

For the reasons stated in the proposal, the Agency believes that the treatment residue is non-hazardous and as such should be excluded from hazardous waste control. The Agency, therefore, is granting a conditional exclusion to Tricil for its treatment residue (EPA Hazardous Waste Nos. K062 and F006) generated at Tricil's Hilliard, Ohio facility. The conditions which must be met were outlined in a contingency testing program in the proposed exclusion. (The Agency notes that the exclusion remains in effect unless the waste varies from that originally described in the petition (*i.e.*, the waste is altered as a result of changes in the manufacturing or treatment process).³ In addition, generators still are obligated to determine whether these wastes exhibit any of the characteristics of hazardous waste.

³ See footnote 1.

II. Tricil Environmental Services, Inc.

A. Proposed Exclusion

Tricil Environmental Services, Inc., (Tricil), located in Nashville, Tennessee, has petitioned the Agency to exclude its wastewater treatment sludge (vacuum filter sludge) from EPA Hazardous Waste No. F019, based on the low concentration and immobilization of the listed constituents in the waste. Data submitted by Tricil substantiate their claim that the listed constituents of concern, although present, are essentially present in an immobile form. Furthermore, additional data provided by Tricil indicate that no other hazardous constituents are present in the waste at levels of regulatory concern, and that the waste does not exhibit any of the characteristics of hazardous waste. (See 51 FR 36979-36983, October 16, 1986 for a more detailed explanation of why EPA proposed to grant Tricil's petition.)

B. Agency Response to Public Comments

The Agency received comments from Tricil regarding the Agency's decision to grant an exclusion for the waste identified in its petition. Tricil commented on the following aspects of the proposed exclusion: (1) The maximum acceptable limits for several constituents are below established quantification limits, and (2) the effective date of the final exclusion does not allow enough time for Tricil to come into compliance with the conditions of the exclusion. These comments are addressed below.

Tricil requested that the Agency finalize the proposed exclusion prior to or on the HSWA deadline of November 8, 1986 but to postpone the cancellation of their temporary exclusion and the effective date of the final exclusion for six months. Tricil requested this extension of the temporary exclusion and postponement of the final exclusion in order to: (1) Allow Tricil to adjust its treatment system and/or eliminate clients in order to implement an effective organics pre-screening process to limit organic content in the waste, and (2) allow Tricil to develop the required laboratory capabilities and/or locate commercial laboratories to conduct the batch testing requirements of the conditional exclusion. Tricil believes that the Agency has the authority under HSWA to grant Tricil's request. Tricil's interpretation of HSWA is that "temporary exclusions issued prior to enactment cease to be in effect on November 8, 1986 unless EPA has promulgated a final decision to grant or

deny a final exclusion by November 8, 1986." In addition, Tricil pointed out that the Agency has given facilities whose temporary exclusions are being withdrawn/denied a six month period to come into compliance. The Agency agrees with Tricil's arguments and, therefore, will allow Tricil a six month period to come into compliance with those conditions of the final exclusion pertaining to the level of organic toxicants in the delisted waste. The Agency, however, believes that it is appropriate for Tricil to implement immediately the testing requirements for the EP toxic metals, nickel, and cyanide since Tricil currently pre-screens incoming client wastes under the continuous testing provisions of their conditional temporary exclusion and has had ample time to prepare for this condition.

The Agency notes that since the draft of "EPA Support Document: Regulatory Standards and Solubilities of Constituents of Concern" (dated June 1986) has undergone recent updates, the proposed maximum acceptable levels for specific organics in Tricil's contingency plan (item #3) have been modified. Tricil will be required to test for the total content of the organic toxicants listed below. If the total content of any of these constituents exceeds the maximum levels listed below, the waste must be managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270. A corrected and final list of MALs for the Tricil wastes is provided in Table 1.

TABLE 1.—MAXIMUM ACCEPTABLE LIMITS FOR TRICIL WASTES

Constituents	Maximum acceptable limits (ppm)
Acrolein	1.363
Anthracene	492
Benzene	0.68
p-Chloro-m-cresol	848
1,1-Dichloroethane	0.069
Fluorene	66.7
Methylene chloride	52.4
n-Nitrosodiphenylamine	76.1
Phenanthrene	89
Tetrachloroethylene	1.2
Trichloroethylene	3.78
Chloroform	0.081
1,2-Dichloroethane	* 0.053
2,4-Dimethylphenol	79.7
Vinyl chloride	1.16
1,2-Diphenyl hydrazine	* 0.005

* The MAL cited in the proposed exclusion was based on a different solubility. The MAL cited here is based on a revised solubility.

* The MAL for 1,2-dichloroethane and 1,2-diphenyl hydrazine were reported incorrectly in the proposed exclusion.

C. Final Agency Decision

For the reasons stated in the proposal, the Agency believes that the treatment residue is non-hazardous and as such should be excluded from hazardous

waste control. The Agency, therefore, is granting a conditional exclusion to Tricil for its treatment residue resulting from the chemical conversion coating of aluminum, listed as EPA Hazardous Waste No. F019, generated at its Nashville, Tennessee facility. The conditions which must be met were outlined in the contingency testing program in the proposed exclusion. (The Agency notes that the exclusion remains in effect unless the waste varies from that originally described in the petition (i.e., the waste is altered as a result of changes in the manufacturing or treatment process).⁴ In addition, generators still are obligated to determine whether these wastes exhibit any of the characteristics of hazardous waste.)

III. Tricil Environmental Services, Inc.

A. Proposed Exclusion

Tricil Environmental Services, Inc., (Tricil), located in Muskegon, Michigan, has petitioned the Agency to exclude the treatment residue (filter press sludge) produced by its treatment facility from EPA Hazardous Waste Nos. K062 and F006 based on the low concentration and immobilization of the listed constituents in the waste. Data submitted by Tricil substantiate their claim that the listed constituents of concern, although present, are essentially present in an immobile form. Furthermore, additional data provided by Tricil indicate that no other hazardous constituents are present in the waste at levels of regulatory concern, and that the waste does not exhibit any of the characteristics of hazardous waste. (See 51 FR 36983-36987, October 16, 1986 for a more detailed explanation of why EPA proposed to grant Tricil's petition.)

B. Agency Response to Public Comments

The Agency received comments from Tricil regarding the Agency's decision to grant an exclusion for the waste identified in its petition. Tricil commented on the following aspects of the proposed exclusion: (1) The maximum acceptable limits for several constituents are below established quantification limits, and (2) the effective date of the final exclusion does not allow enough time for Tricil to come into compliance with the conditions of the exclusion. These comments are addressed below.

Tricil commented that the maximum acceptable levels (MALs) for 1,2-dichloroethane, chloroform, and 1,1-

dichloroethane (0.0082, 0.012, and 0.01 ppm, respectively) are below the established analytical quantification limits (i.e., 0.05 ppm as per the proposed toxicity characteristic (see 51 FR 21648-21693) for 1,2-dichloroethane and chloroform, and 0.05 ppm as per SW-846 Test Method 8240 for 1,1-dichloroethane.) Tricil suggested that the MALs for these three constituents be set at the quantification limit of 0.05 ppm. The Agency realizes that there are some constituents whose MALs are below standard EPA detection limits. The Agency has noted in previous notices that where hazardous constituents in a waste are determined to be non-detectable using appropriate analytical methods, the Agency will, as a matter of policy, not regulate the waste as hazardous. The Agency notes that Tricil has submitted analytical results with detection limits as low as 0.008 ppm for chloroform and 0.014 for 1,2-dichloroethane. (AL1 reported results for 1,1-dichloroethane were greater than 0.05 ppm; however, the Agency believes that these three compounds are similar enough that Tricil should be able to achieve detection limits less than 0.05 ppm for 1,1-dichloroethane.) The Agency, therefore, does not believe that it is necessary to raise the MAL to 0.05 ppm, but will review the petitioner's first six months of analytical data and, if a problem is demonstrated, will repropose the alternative detection limits if necessary.

Tricil requested that the Agency finalize the proposed exclusion prior to or on the HSWA deadline of November 8, 1986 but to postpone the cancellation of their temporary exclusion and the effective date of the final exclusion for six months. Tricil requested this extension of the temporary exclusion and postponement of the final exclusion in order to: (1) Allow Tricil to adjust its treatment system and/or eliminate clients in order to implement an effective organics pre-screening process to limit organic content in the waste, and (2) allow Tricil to develop the required laboratory capabilities and/or locate commercial laboratories to conduct the batch testing requirements of the conditional exclusion. Tricil believes that the Agency has the authority under HSWA to grant Tricil's request. Tricil's interpretation of HSWA is that "temporary exclusions issued prior to enactment cease to be in effect on November 8, 1986 unless EPA has promulgated a final decision to grant or deny a final exclusion by November 8, 1986." In addition, Tricil pointed out that the Agency has given facilities whose temporary exclusions are being

⁴ See footnote 1.

withdrawn/denied a six month period to come into compliance. The Agency agrees with Tricil's arguments and, therefore, will allow Tricil a six month period to come into compliance with those conditions of the final exclusion pertaining to the level of organic toxicants in the delisted waste. The Agency, however, believes that it is appropriate for Tricil to implement immediately the testing requirements for the EP toxic metals, nickel, and cyanide since Tricil currently pre-screens incoming client wastes under the continuous testing provisions of their conditional temporary exclusion and has had ample time to prepare for this condition.

The Agency notes that since the draft of "EPA Support Document: Regulatory Standards and Solubilities of Constituents of Concern" (dated June 1986) has undergone recent updates, the proposed maximum acceptable levels for specific organics in Tricil's contingency plan (item #3) have been modified. Tricil will be required to test for the total content of the organic toxicants listed below. If the total content of any of these constituents exceeds the maximum levels listed below, the waste must be managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270. A corrected and final list of MALs for the Tricil wastes is provided in Table 1.

TABLE 1.—MAXIMUM ACCEPTABLE LIMITS FOR TRICIL WASTES

Constituents	Maximum acceptable limits (ppm)
Acrolein.....	156.8
Anthracene.....	76.8
Benzene.....	0.106
p-Chloro-m-cresol.....	133
1,1-Dichloroethane.....	0.01
Fluorene.....	10.4
Methylene chloride.....	8.2
Methyl ethyl ketone.....	326
n-Nitrosodiphenylamine.....	11.9
Phenanthrene.....	14
Tetrachloroethylene.....	0.188
Trichloroethylene.....	0.59
Chloroform.....	0.013
1,2-Dichloroethane.....	0.0083
1,2-trans-Dichloroethylene.....	231
2,4-Dimethylphenol.....	12.5
Vinyl chloride.....	0.18
1,2-Diphenyl hydrazine.....	0.001

¹ The MAL cited in the proposed exclusion was based on a different solubility. The MAL cited here is based on a revised solubility.

² The MAL for 2,4-dimethyl phenol and 1,2-diphenyl hydrazine were reported incorrectly in the proposed exclusion.

C. Final Agency Decision

For the reasons stated in the proposal, the Agency believes that the treatment residue is non-hazardous and as such should be excluded from hazardous waste control. The Agency, therefore, is granting a conditional exclusion to Tricil for its treatment residue (EPA Hazardous Waste Nos. K062 and F006) generated at Tricil's Muskegon, Michigan facility. The conditions which must be met were outlined in a contingency testing program in the proposed exclusion. (The Agency notes that the exclusion remains in effect unless the waste varies from that originally described in the petition (*i.e.*, the waste is altered as a result of changes in the manufacturing or treatment process).⁵ In addition, generators still are obligated to determine whether these wastes exhibit any of the characteristics of hazardous waste.

IV. Effective Date

This rule is effective immediately, including the testing requirements for heavy metals and cyanide. The Hazardous and Solid Waste Amendments of 1984 amended section 3010 of RCRA to allow rules to become effective in less than six months when the regulated community does not need the six-month period to come into compliance. That is the case for the heavy metals and cyanide testing since the petitioner has had ample time to prepare for this condition. Accordingly, the rule and testing conditions for heavy metals and cyanide are effective immediately. These reasons also provide a basis for making this rule effective immediately under the Administrative Procedure Act, pursuant to 5 U.S.C. 553(d). This is not the case, however, for the three facilities included in this notice with respect to the conditional testing requirements for organics. These facilities will need some time to implement an effective organic pre-screening program and develop on-site laboratory capabilities. Accordingly, the effective date of the organic testing conditions is six months after the publication of this rule in the Federal Register.

V. Regulatory Impact

Under Executive Order 12291, EPA

⁵ See footnote 1.

must judge whether a regulation is "major" and, therefore, subject to the requirement of a Regulatory Impact Analysis. This grant of exclusions is not major since its effect is to reduce the overall costs and economic impact of EPA's hazardous waste management regulations. This reduction is achieved by excluding wastes generated at specific facilities from EPA's lists of hazardous wastes, thereby enabling these facilities to treat their wastes as non-hazardous.

VI. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601-612, whenever an Agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). The Administrator may certify, however, that the rule will not have a significant economic impact on a substantial number of small entities.

This amendment will not have an adverse economic impact on small entities since its effects will be to reduce the overall costs of EPA's hazardous waste regulations. Accordingly, I hereby certify that this final regulation will not have a significant economic impact on a substantial number of small entities.

This regulation, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 261

Hazardous wastes, Recycling.

Dated: November 7, 1986.

Jeffery D. Denit,

Acting Director, Office of Solid Waste.

For the reasons set out in the preamble, 40 CFR Part 261 is proposed to be amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for Part 261 continues to read as follows:

Authority: Secs. 1006, 2002(a), 3001, and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6921, and 6922).

2. In Appendix IX, add the following wastestreams in alphabetical order to tables 1 and 2 to read as follows:

Appendix IX—Wastes Excluded Under §§ 260.20 and 260.22

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste description
Tricil Environmental Systems, Inc.	Hilliard, Ohio	<p>Dewatered wastewater treatment sludges (EPA Hazardous Waste No. F006) generated from electroplating operations after November 17, 1986. To ensure that hazardous constituents are not present in the waste at levels of regulatory concern, the facility must implement a contingency testing program for the petitioned wastes. This testing program must meet the following conditions for the exclusion to be valid:</p> <p>(1) Each batch of treatment residue must be representatively sampled and tested using the total oil and grease test and the EP Toxicity test (or the Oily Waste EP test, if the oil and grease content of the waste exceeds one percent) for arsenic, barium, cadmium, chromium, lead, selenium, silver, mercury, and nickel. If the extract concentrations for chromium, lead, arsenic, and silver exceed 0.315 ppm; barium levels exceed 6.3 ppm; cadmium and selenium levels exceed 0.063 ppm; mercury levels exceed 0.013 ppm; or nickel levels exceed 2.2 ppm, the waste will be re-treated or managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270.</p> <p>(2) Each batch of treatment residue must be tested for reactive and leachable cyanide. If the reactive cyanide levels exceed 250 ppm or leachable cyanide levels (using the EP Toxicity test without acetic acid adjustment) exceed 1.26 ppm, the waste must be re-treated or managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270.</p> <p>(3) Each batch of the waste must be tested for the total content of the following organic toxicants. If the total content of any of the constituents exceeds the maximum levels shown, the waste must be managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270.</p> <p style="text-align: center;">Compound and Maximum Acceptable Levels (ppm)</p> <p>Acrolein, 56.8 Anthracene, 76.8 Benzene, 0.106 p-Chloro-m-cresol, 133 1,1-Dichloroethane, 0.01 Fluorene, 10.4 Methylene chloride, 8.2 Methyl ethyl ketone, 326 n-Nitrosodiphenylamine, 11.9 Phenanthrene, 14 Tetrachloroethylene, 0.188 Trichloroethylene, 0.59 Chloroform, 0.013 1,2-Dichloroethane, 0.0083 1,2-trans-Dichloroethylene, 231 2,4-Dimethylphenol, 12.5 Vinyl chloride, 0.18</p> <p>(4) A grab sample must be collected from each batch to form one monthly composite sample, which must be tested using GC/MS analysis for the compounds shown above as well as the remaining organics on the priority pollutant list. (See 47 FR 52309, November 19, 1982, for a list of the priority pollutants.)</p> <p>(5) The test data from conditions 1-4 must be kept on file at the facility for inspection purposes and must be compiled, summarized, and submitted to the Administrator by certified mail on a semiannual basis. The Agency will review this information and if needed, will propose to modify or withdraw the exclusion. The organics testing described in conditions 3 and 4 above is not required until May 18, 1987. The Agency's decision to conditionally exclude the treatment residue generated from the wastewater treatment system at this facility applies only to the wastewater treatment residue as described in this petition.</p>
Tricil Environmental Systems, Inc.	Nashville, Tennessee	<p>Dewatered wastewater treatment sludges (EPA Hazardous Waste No. F019) generated from chemical conversion coating of aluminum after November 17, 1986. To ensure that hazardous constituents are not present in the waste at levels of regulatory concern, the facility must implement a contingency testing program for the petitioned wastes. This testing program must meet the following conditions for the exclusion to be valid:</p> <p>(1) Each batch of treatment residue must be representatively sampled and tested using the total oil and grease test and the EP Toxicity test (or the Oily Waste EP test, if the oil and grease content of the waste exceeds one percent) for arsenic, barium, cadmium, chromium, lead, selenium, silver, mercury, and nickel. If the extract concentrations for chromium, lead, arsenic, and silver exceed 1.1 ppm; barium levels exceed 22.2 ppm; cadmium and selenium levels exceed 0.22 ppm; mercury levels exceed 0.044 ppm; or nickel levels exceed 7.8 ppm, the waste will be re-treated or managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270.</p> <p>(2) Each batch of treatment residue must be tested for reactive and leachable cyanide. If the reactive cyanide levels exceed 250 ppm or leachable cyanide levels (using the EP Toxicity test without acetic acid adjustment) exceed 4.4 ppm, the waste must be re-treated or managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270.</p> <p>(3) Each batch of the waste must be tested for the total content of the following organic toxicants. If the total content of any of the constituents exceeds the maximum levels shown, the waste must be managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270.</p> <p style="text-align: center;">Compound and Maximum Acceptable Levels (ppm)</p> <p>Acrolein, 363 Anthracene, 492 Benzene, 0.68 p-Chloro-m-cresol, 848 1,1-Dichloroethane, 0.068 Fluorene, 66.7 Methylene chloride, 52.4 n-Nitrosodiphenylamine, 76.1 Phenanthrene, 89 Tetrachloroethylene, 1.2 Trichloroethylene, 3.78 Chloroform, 0.081 1,2-Dichloroethane, 0.053 2,4-Dimethylphenol, 79.7 Vinyl chloride, 1.16 1,2-Diphenyl hydrazine, 0.005</p> <p>(4) A grab sample must be collected from each batch to form one monthly composite sample, which must be tested using GC/MS analysis for the compounds shown above as well as the remaining organics on the priority pollutant list. (See 47 FR 52309, November 19, 1982, for a list of the priority pollutants.)</p> <p>(5) The test data from conditions 1-4 must be kept on file at the facility for inspection purposes and must be compiled, summarized, and submitted to the Administrator by certified mail on a semiannual basis. The Agency will review this information and if needed, will propose to modify or withdraw the exclusion. The organics testing described in conditions 3 and 4 above is not required until May 18, 1987. The Agency's decision to conditionally exclude the treatment residue generated from the wastewater treatment system at this facility applies only to the wastewater treatment residue as described in this petition.</p>

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES—Continued

Facility	Address	Waste description
Tricil Environmental Systems, Inc.....	Muskegon, Michigan.....	<p>Dewatered wastewater treatment sludges (EPA Hazardous Waste No. F006) generated from electroplating operations after November 17, 1986. To ensure that hazardous constituents are not present in the waste at levels of regulatory concern, the facility must implement a contingency testing program for the petitioned wastes. This testing program must meet the following conditions for the exclusion to be valid:</p> <p>(1) Each batch of treatment residue must be representatively sampled and tested using the total oil and grease test and the EP Toxicity test (or the Oily Waste EP test, if the oil and grease content of the waste exceeds one percent) for arsenic, barium, cadmium, chromium, lead, selenium, silver, mercury, and nickel. If the extract concentrations for chromium, lead, arsenic, and silver exceed 0.315 ppm; barium levels exceed 6.3 ppm; cadmium and selenium levels exceed 0.063 ppm; mercury levels exceed 0.013 ppm; or nickel levels exceed 2.2 ppm, the waste will be re-treated or managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270.</p> <p>(2) Each batch of treatment residue must be tested for reactive and leachable cyanide. If the reactive cyanide levels exceed 250 ppm or leachable cyanide levels (using the EP Toxicity test without acetic acid adjustment) exceed 1.26 ppm, the waste must be re-treated or managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270.</p> <p>(3) Each batch of the waste must be tested for the total content of the following organic toxicants. If the total content of any of the constituents exceeds the maximum levels shown, the waste must be managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270.</p> <p style="text-align: center;">Compound and Maximum Acceptable Levels (ppm)</p> <p>Acrolein, 56.8 Anthracene, 76.8 Benzene, 0.106 p-Chloro-m-cresol, 133 1,1-Dichloroethane, 0.01 Fluorene, 10.4 Methylene chloride, 8.2 Methyl ethyl ketone, 326 n-Nitrosodiphenylamine, 11.9 Phenanthrene, 14 Tetrachloroethylene, 0.188 Trichloroethylene, 0.59 Chloroform, 0.013 1,2-Dichloroethane, 0.0083 1,2-trans-Dichloroethylene, 231 2,4-Dimethylphenol, 12.5 Vinyl chloride, 0.18</p> <p>(4) A grab sample must be collected from each batch to form one monthly composite sample, which must be tested using GC/MS analysis for the compounds shown above as well as the remaining organics on the priority pollutant list. (See 47 FR 52309, November 19, 1982, for a list of the priority pollutants.)</p> <p>(5) The test data from conditions 1-4 must be kept on file at the facility for inspection purposes and must be compiled, summarized, and submitted to the Administrator by certified mail on a semiannual basis. The Agency will review this information and if needed, will propose to modify or withdraw the exclusion. The organics testing described in conditions 3 and 4 above is not required until May 18, 1987. The Agency's decision to conditionally exclude the treatment residue generated from the wastewater treatment system at this facility applies only to the wastewater treatment residue as described in this petition.</p>

TABLE 2.—WASTES EXCLUDED FROM SPECIFIC SOURCES

Facility	Address	Waste description
Tricil Environmental Systems, Inc.....	Hilliard, Ohio.....	<p>Spent pickle liquor (EPA Hazardous Waste No. K062) generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332) after November 17, 1986. To ensure that hazardous constituents are not present in the waste at levels of regulatory concern, the facility must implement a contingency testing program for the petitioned wastes. This testing program must meet the following conditions for the exclusions to be valid:</p> <p>(1) Each batch of treatment residue must be representatively sampled and tested using the total oil and grease test and the EP Toxicity test (or the Oily Waste EP test, if the oil and grease content of the waste exceeds one percent) for arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver and nickel. If the extract concentrations for chromium, lead, arsenic, barium, and silver exceed 6.3 ppm; cadmium and selenium exceed 0.063 ppm; mercury levels exceed 0.013 ppm; or nickel levels exceed 2.2 ppm, the waste will be re-treated or managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270.</p> <p>(2) Each batch of treatment residue must be tested for reactive and leachable cyanide. If the reactive cyanide levels exceed 250 ppm; or leachable cyanide levels (using the EP Toxicity test without acetic acid adjustment) exceed 1.26 ppm, the waste must be re-treated or managed and disposed as hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270.</p> <p>(3) Each batch of waste must be tested for the total content of the following organic toxicants. If the total content of any of the constituents exceeds the maximum levels shown, the waste must be managed and disposed as a hazardous waste under 40 CFR Parts 262 and 265 and the permitting standards of 40 CFR Part 270.</p> <p style="text-align: center;">Compound and Maximum Acceptable Levels (ppm)</p> <p>Acrolein, 56.8 Anthracene, 76.8 Benzene, 0.106 p-Chloro-m-cresol, 133 1,1-Dichloroethane, 0.01 Fluorene, 10.4 Methylenechloride, 8.2 Methyl ethyl ketone, 326 n-Nitrosodiphenylamine, 11.9 Phenanthrene, 14 Tetrachloroethylene, 0.188 Trichloroethylene, 0.59 Chloroform, 0.013 1,2-Dichloroethane, 0.0083 1,2-trans-Dichloroethylene, 231 2,4-Dimethylphenol, 12.5 Vinyl chloride, 0.18 1,2-Diphenyl hydrazine, 0.001</p>

TABLE 2.—WASTES EXCLUDED FROM SPECIFIC SOURCES—Continued

Facility	Address	Waste description
Tricil Environmental System, Inc.	Muskegon, Michigan	<p>(4) A grab sample must be collected from each batch to form one monthly composite sample, which must be tested using GC/MS analysis for the organic compounds shown above, as well as the remaining organics on the priority pollutant list (see 47 FR 52309, November 19, 1982, Appendix A-126 Priority Pollutants).</p> <p>(5) The test data from conditions 1-4 must be kept on file at the facility for inspection purposes and must be compiled, summarized, and submitted to the Administrator by certified mail on a semiannual basis. The Agency will review this information and if needed, will propose to modify or withdraw the exclusion. The organics testing described in conditions 3 and 4 above is not required until May 18, 1987. The Agency's decision to conditionally exclude the treatment residue generated from the wastewater treatment system at this facility applies only to the wastewater treatment residue described in this petition.</p> <p>Spent pickle liquor (EPA Hazardous Waste No. K062) generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332); after November 17, 1986. To ensure that hazardous constituents are not present in the waste at levels of regulatory concern, the facility must implement a contingency testing program for the petitioned wastes. This testing program must meet the following conditions for the exclusion to be valid:</p> <p>(1) Each batch of treatment residue must be representatively sampled and tested using the total oil and grease test and the EP Toxicity test (or the Oily Waste EP test, if the oil and grease content of the waste exceeds one percent) for arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver and nickel. If the extract concentrations for chromium, lead, arsenic, barium, and silver exceed 6.3 ppm, cadmium and selenium exceed 0.063 ppm; mercury levels exceed 0.013 ppm; or nickel levels exceed 2.2 ppm, the waste will be retreated or managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR 270.</p> <p>(2) Each batch of treatment residue must be tested for reactive and leachable cyanide. If the reactive cyanide levels exceed 250 ppm, or leachable cyanide levels (using the EP Toxicity test without acetic acid adjustment) exceed 1.26 ppm, the waste must be retreated or managed and disposed as hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270.</p> <p>(3) Each batch of waste must be tested for the total content of the following organic toxicants. If the total content of any of the constituents exceeds the maximum levels shown, the waste must be managed and disposed as a hazardous waste under 40 CFR Parts 262 and 265 and the permitting standards of 40 CFR Part 270:</p> <p style="text-align: center;">Compound and Maximum Acceptable Levels (ppm)</p> <p>Acrolein, 56.8 Anthracene, 76.8 Benzene, 0.106 p-Chloro-m-cresol, 133 1,1-Dichloroethane, 0.01 Fluorene, 10.4 Methylenechloride, 8.2 Methyl ethyl ketone, 326 n-Nitrosodiphenylamine, 11.9 Phenanthrene, 14 Tetrachloroethylene, 0.188 Trichloroethylene, 0.59 Chloroform, 0.013 1,2-Dichloroethane, 0.0083 1,2-trans-Dichloroethylene, 231 2,4-Dimethylphenol, 12.5 Vinyl chloride, 0.18 1,2-Diphenyl hydrazine, 0.001</p> <p>(4) A grab sample must be collected from each batch to form one monthly composite sample, which must be tested using GC/MS analysis for the organic compounds shown above, as well as the remaining organics on the priority pollutant list (see 47 FR 52309, November 19, 1982, Appendix A-126 Priority Pollutants).</p> <p>(5) The test data from conditions 1-4 must be kept on file at the facility for inspection purposes and must be compiled, summarized, and submitted to the Administrator by certified mail on a semiannual basis. The Agency will review this information and if needed, will propose to modify or withdraw the exclusion. The organics testing described in conditions 3 and 4 above is not required until May 18, 1987. The Agency's decision to conditionally exclude the treatment residue generated from the wastewater treatment system at this facility applies only to the wastewater treatment residue described in this petition.</p>

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40 CFR Part 261

[SW-FRL-3112-7]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Denials

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) today is announcing its decision to deny the petitions submitted by two petitioners to exclude their solid wastes from the lists of hazardous wastes contained in 40 CFR 261.31 and 261.32. This action responds to delisting petitions submitted under 40 CFR 260.20,

which allows any person to petition the Administrator to modify or revoke any provision of Parts 260 through 265, 124, 270, and 271 of Title 40 of the Code of Federal Regulations, and 40 CFR 260.22, which specifically provides generators the opportunity to petition the Administrator to exclude a waste on a "generator-specific basis" from the hazardous waste lists. Our basis for denying these petitions is that the petitioners have not substantiated their claims that the wastes are non-hazardous. The effect of this action is that all of this waste must be handled as hazardous waste in accordance with 40 CFR Parts 262 through 266, and Parts 270, 271 and 124.

EFFECTIVE DATE: May 18, 1987.

ADDRESSES: The public docket for these final petition denials is located in the Sub-basement, U.S. Environmental

Protection Agency, 401 M Street SW., Washington, DC 20460, and is available for public viewing from 9:30 a.m. to 3:30 p.m., Monday through Friday, excluding Federal holidays. Call Mia Zmud at (202) 475-9327 or Kate Blow at (202) 382-4675 for appointments. The reference number for this docket is "F-86-CHDF-FFFFF." The public may copy a maximum of 50 pages of materials from any one regulatory docket at no cost. Additional copies cost \$.20/page.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free at (800) 424-9347, or at (202) 382-3000. For technical information, contact Lori DeRose, Office of Solid Waste (WH-562B), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 382-5096.

SUPPLEMENTARY INFORMATION: On October 22, 1986, EPA proposed to deny

specific wastes generated by several facilities, including: (1) Chevron, U.S.A., located in Port Arthur, Texas (see 51 FR 37422); and (2) E.I. Du Pont de Nemours & Company, located in Beaumont, Texas (see 51 FR 37423). The Agency had previously evaluated both of these petitions which are discussed in today's notice. Based on our review at that time, these petitioners were granted temporary exclusions. Due to changes in the delisting criteria required by the Hazardous and Solid Waste Amendments of 1984, however, these petitions have been evaluated both for the factors for which the wastes were originally listed, as well as other factors and toxicants which reasonably could cause the wastes to be hazardous. Based upon these evaluations, the Agency has determined that both of the petitioning facilities have not substantiated their claims that the wastes are non-hazardous; therefore, the Agency is denying the petitions submitted by these petitioning facilities and is revoking the temporary exclusions currently held by these facilities.

The denials made final here involve the following petitioners: Chevron, U.S.A., Port Arthur, Texas; and E.I. Du Pont de Nemours & Company, Beaumont, Texas.

I. Chevron, U.S.A.

A. Proposed Denial

Chevron, U.S.A. (Chevron), has petitioned the Agency to exclude its wastewater treatment sludge from EPA Hazardous Waste Nos. K048 and K051 based on the low concentrations and immobilization of the listed constituents in the waste. Data submitted by Chevron, however, fails to substantiate its claim that the listed constituents are essentially present in an immobile form.¹ (See 51 FR 37422-37423, October 22, 1986 for a more detailed explanation of why the Agency proposed to deny Chevron's petition.)

B. Agency Response to Public Comments

The Agency received comments from Chevron regarding the proposed denial of its petitioned waste streams. Chevron specifically requested that the Agency discuss the evaluation of the slop oil emulsion solids, listed as EPA Hazardous Waste No. K049. Chevron revised their original petition to include this waste on November 6, 1981 and subsequently received a temporary exclusion for this waste, the DAF float, and the API separator sludge. Chevron

provided only EP toxicity analyses of the slop oil emulsion solids for lead and chromium. Chevron did not provide total constituent analyses, oil and grease analyses, or ignitability, corrosivity, and reactivity test results for this waste. Furthermore, Chevron did not discuss sampling procedures followed during the collection of the four samples on which the EP toxicity analyses for lead and chromium were conducted, nor did they provide annual or maximum waste generation rates. The Agency, therefore, was not able to evaluate the EP toxicity data submitted because we could not determine whether the samples were representative of the slop oil emulsion solids and an estimated waste generation rate was not available for use in the VHS model evaluation. Finally, the Agency notes that Chevron did not respond to the Agency's requests for additional information regarding the slop oil emulsion solids required by the Hazardous and Solid Waste Amendments of 1984 (e.g., January 6, 1984; March 6, 1984; November 26, 1984; and September 18, 1985) and, therefore, the Agency could not evaluate this waste to determine whether or not any other toxicants were present in the waste at levels of regulatory concern.²

Chevron also commented that the date of their temporary exclusion was cited incorrectly in the proposed denial. The Agency agrees with Chevron that the date of the temporary exclusion should have been reported as February 12, 1982. Chevron also submitted comments that clarify information presented on the emulsion solids which should have been presented in the Agency's proposal denial. Specifically, Chevron states that their present crude refining capacity is 418,000 barrels per day; that heavy solids that settle to the bottom of the API separators are no longer routed to an accumulator settling tank, but removed periodically and disposed off site; and that DAF float is no longer recycled to the API separators but routed to an oil recovery unit for recovery of the recyclable oil. Chevron also claims that they have not disposed EPA Hazardous Waste Nos. K048, K049, and K051 on site since November 1980. Chevron also explained that because the Agency was not considering site-specific

² The Agency notes that a discussion of Chevron's slop oil emulsion solids was not presented in the Agency's proposal to deny Chevron's API separator sludge and the DAF float. The Agency believes, however, that since Chevron's petition was proposed to be denied, among other reasons, on the grounds that it was incomplete and since the Agency has not received sufficient information to evaluate the slop oil emulsion solids, that the Agency is justified in presenting a final decision regarding the slop oil emulsion solids at this time.

factors in the VHS model evaluation, Chevron decided not to conduct further sampling and analyses of their petitioned wastes.

C. Final Agency Decision

For the reasons stated in the proposal, the Agency believes that the API separator sludge and dissolved air flotation (DAF) float generated by Chevron are hazardous and as such should not be excluded from hazardous waste control. In addition, the Agency believes that Chevron has been given an adequate period of time to provide information necessary to determine whether or not the slop oil emulsion solids are hazardous and, therefore, also is denying the petition as incomplete. The Agency, therefore, is denying a final exclusion to Chevron, U.S.A. for its wastewater treatment sludges, listed as EPA Hazardous Waste No. K048, K049, and K051 which are generated at its integrated refinery in Port Arthur, Texas. By this action, the Agency also withdraws the temporary exclusion granted for these wastes on February 12, 1982. The Agency is denying Chevron's petition, in part, due to the levels of mobile chromium, accordingly, we made the denial effective in 6 months even though a portion of the petition has been denied due to lack of information.

II. E.I. Du Pont de Nemours & Company

A. Proposed Denial

E.I. Du Pont de Nemours & Company, Beaumont Works, (Du Pont) has petitioned the Agency to exclude its wastewaters from EPA Hazardous Waste Nos. K103 and K104 based on the low concentration and immobilization of the listed constituents in the waste. Data submitted by Du Pont, however, fails to substantiate its claim that the listed constituents are essentially present in an immobile form.³ (See 51 FR 37423-37427, October 22, 1986, for a more detailed explanation of why the Agency proposed to deny Du Pont's petition.)

B. Agency Response to Comments

The Agency received comments from Du Pont regarding the proposed denial of their petition. Du Pont specifically commented on the following items: (1) The constituents evaluated by the Agency, (2) the VHS model, (3) the use of average vs. maximum values, (4) the Agency's toxicity data base, and (5) errors in the VHS model calculations.

Du Pont commented that the Agency should only consider the constituents associated with the K103 and K104

³ Du Pont was granted a temporary exclusion for this waste on November 22, 1982 (see 47 FR 52680).

¹ Chevron, U.S.A. was granted a temporary exclusion for these wastes on February 12, 1982.

wastes during the delisting evaluation, and thus should not consider constituents such as tetrachloroethylene, chloroform, and carbon tetrachloride in the OLM/VHS model analyses of the lagoon sludge and water since these constituents are from other wastes. Du Pont believes that it is beyond the Agency's statutory authority to consider the constituents of other unrelated streams in making a delisting decision. The Agency disagrees with the petitioner's interpretation of the Agency's statutory authority. The mixture of a hazardous waste and a solid waste is a hazardous waste (40 CFR 261.3(a)(2)(iv)). Thus, the combined wastewaters are a hazardous waste. The Hazardous and Solid Waste Amendments of 1984 (HSWA) require that, when evaluating delisting petitions, the Agency consider any factors that could reasonably cause a waste to be hazardous, including additional constituents. This is what the Agency has done. Du Pont also questioned the appropriateness of the Agency's evaluation of the lagoon sludge. The Agency believes that the lagoon sludge is a hazardous waste, as defined under 40 CFR 261.3(c)(2)(i), which states that "any solid waste generated from the treatment, storage or disposal of a hazardous waste . . . is a hazardous waste," because the sludge may have been generated from the settling of solids from the K103 and K104 wastes, in addition to other wastes which pass through the lagoon. Thus, the Agency considered the lagoon sludge as part of the delisting evaluation. If the petitioner had shown that the sludge was not in any way derived from the K103 and K104 wastes, this evaluation would not have been necessary. However, since such evidence was not provided, the Agency assumed that the sludge was, at least in part, derived from the petitioned wastes.

Du Pont also commented that the application of the VHS model was inappropriate because they believe that the VHS model is flawed. The VHS model includes the parameters C_0 , which is the leachate concentration of contaminants at the waste boundary in the uppermost portion of the aquifer, and Z, the depth to which the toxicants penetrate into the aquifer at the facility boundary. Du Pont described the distance Z as the mixing zone formed when the leachate from the landfill combines with and diffuses into the flowing ground water beneath the landfill. Du Pont believes that the Agency has assumed that C_0 within Z is the same as the leachate within the landfill. This is not a correct

interpretation of the Agency's definition of C_0 . The Agency assumes that C_0 remains constant until the leachate reaches the upper aquifer boundary, where dilution and dispersion begin to occur. Du Pont also claims that the Agency ignores the fact that the rate of leaking and ground water velocity affect the concentration in Z. The Agency agrees with the commenter that variations in the rate of contaminant leaking and ground water velocity will affect the concentrations in the contaminant plume. The Agency, however, in the development of a generic reasonable worst-case scenario, is not able to consider such variations which occur on a seasonal and site-specific basis. The petitioner has not provided any suggestions on how such factors could actually be incorporated into the VHS model analysis if a site-specific evaluation were made. Du Pont went on to add that the VHS model is flawed because it does not allow for such site-specific evaluations, including the use of waste geometries and site hydrogeologic conditions. In response, the Agency reiterates that the purpose of the VHS model was not to provide for a site-specific evaluation, but to evaluate a reasonable worst-case scenario that may occur. The Agency may, in the future, consider conditional delistings predicated on disposal at a particular site, however, at this time, the Agency is unable to identify all necessary factors in such a demonstration.

The commenter also recommended that the Agency use its proposed toxicity characteristic, which includes a ground water transport model, (see 51 FR 21648-21693, June 13, 1986) with modifications suggested by the Chemical Manufacturer's Association (CMA) rather than the results of the VHS model. The Agency notes that it has not completed its evaluation of the comments on the proposed toxicity characteristic. When this proposal is finalized, the Agency will consider using the procedure in the evaluation of delisting petitions. Until that time, however, the Agency intends to continue using the Organic Leachate Model (OLM) and the VHS model to evaluate the potential of wastes to contaminate the ground water. Du Pont also commented that the application of the VHS model is inappropriate because they claim the ground water beneath the site is not potable. Assuming for the purpose of argument that Du Pont's assertion is true, the Agency does not believe that such a site-specific factor should be considered in this delisting because Du Pont has not provided a compelling rationale for why this waste

could not be transported to another location for disposal where a useable aquifer might be affected.

Du Pont commented that the Agency should use average values rather than the maximum concentrations of the samples analyzed in input to the OLM and VHS models. Du Pont believes that average concentrations are more representative of what might potentially reach the environment, even under a worst-case scenario of mishandled waste. The Agency has considered the use of various parameters such as the mean, median, maximum and upper confidence limits as inputs to the models. Each of these parameters may be used under certain circumstances which are defined by the statistical characteristics of the analytical results. For example, the mean is used when the sample population is large enough and the data exhibit a normal distribution; the median is used again when the sample population is large enough and when the data exhibit a log normal distribution. The Agency believes that Du Pont's analytical results are insufficient to defend statistically the use of the mean or median, and thus the use of the maximum values was appropriate.* (The Agency notes that if the use of the mean had been appropriate, Du Pont's wastes still would not have passed the VHS model evaluation for a number of constituents.)

Du Pont also commented that they were unsure how EPA's developed the regulatory standards that are used in the VHS model analysis. Du Pont requested that the Agency provide the toxicological data used to develop the regulatory standards. The Agency has made this data available to Du Pont and placed additional copies in the public docket to this notice and other notices recently published (See 51 FR 37140, October 17, 1986; 51 FR 37299, October 21, 1986; and 51 FR 39968, November 3, 1986).

The Agency also indicated in this data supplied to the Docket, the approach used to derive these standards. For those waste constituents not known to display carcinogenic properties, reference doses (RfDs) were used. The RfD is an estimate (with uncertainty spanning perhaps an order of magnitude

* The paper entitled "Sample and Analysis for Delisting Data Verification/Delisting Spot Checks" (from Proceedings of the 2nd U.S. EPA Symposium on Solid Waste Testing and Quality Assurance, July 15-16, 1986, Washington, DC), in the public docket provides some initial guidance on the factors which the Agency believes may be important in using non-parametric statistical techniques to determine the sample size that will allow the use of values other than the maximum in the VHS analysis.

or greater) of a daily exposure for the human population (including sensitive subpopulations) that is likely to be without an appreciable risk of deleterious effects even if exposure occurs daily during a lifetime. An RfD is derived by dividing the experimentally determined no-observed-adverse-effect-level or low-observed-adverse-effect-level by the appropriate uncertainty factor.

$$\text{Dose} = \frac{\text{specified level of lifetime risk}}{\text{unit cancer risk or } q_1^*}$$

For the purposes of the delisting effort, it was necessary for each of the RfDs and RSDs to be defined as the maximum allowable concentration of the constituent in water. As stated previously, however, both RfDs and

For those waste constituents known to display carcinogenic properties, Risk-Specific Doses (RSDs) were used. The RSDs is simply an average daily dose corresponding to a specific level of excess lifetime cancer risk. The RSD for a chemical is derived from the estimated human unit cancer risk or q_1^* using the following formula:

RSDs are daily doses, generally measured in mg/kg body weight/day. To convert a daily dose into the corresponding concentration in water, the following formula is used:

$$\frac{\text{Water concentration (mg/L)}}{\text{RfD or RSD (mg/kg bw/day)} \times \text{body weight (kg)}} = \text{liters of water consumed per day}$$

Our conversions were based upon the well-established and widely-accepted assumptions that the adult male's average body weight is 70 kg and that the average volume of water consumed by an adult male is 2 liters per day.

Du Pont restated their support for the regulatory standards proposed by CMA in its comments on the proposed toxicity characteristic. Du Pont believes that, using the modified (proposed) toxicity characteristic and regulatory standards suggested by CMA, the constituents of concern in the petitioned wastes will be below levels of regulatory concern. While the Agency is currently evaluating the comments submitted on the proposed toxicity characteristic and may incorporate a number of the suggested changes into the revised version, it is inappropriate for the Agency to use the proposed toxicity characteristic in evaluating delisting petitions at this time. DuPont was also concerned with what appeared to be apparent differences between the standards for several organics used to evaluate their petition and those used in the proposed toxicity characteristic. The Agency notes that these differences are purely a result of a policy decision to use different risk factors associated with carcinogens identified by the Agency's Carcinogen Assessment Group. Class A, B, and C carcinogens were assigned risk factors of 10^{-5} , 10^{-6} and 10^{-4} respectively, for the toxicity

characteristics. The delisting program however, uses risk factors of 10^{-5} , 10^{-6} , and 10^{-5} for Class A, B, and C carcinogens respectively. The Agency proposed the higher risk factors in the toxicity characteristics since characteristics are broad measures designed to capture wastes which are clearly hazardous. (See 45 FR 33111-33112, May 19, 1980.) Delisting decisions use more stringent standards since they represent a more refined consideration of specific factors which might cause the waste to be hazardous. (See 40 CFR 261.11, 260.22.)

Du Pont commented that the calculated compliance point concentrations for chromium and lead in the lagoon sludge appeared to be incorrect. The Agency agrees that the published values for chromium and lead were incorrect. See Table 1 for the corrected values.

TABLE 1.—VHS MODEL: CALCULATED EP TOXIC METALS COMPLIANCE POINT CONCENTRATIONS (ppm)

Constituents	Compliance point concentrations			
	Carbon adsorber effluent	Lagoon sludge	Lagoon water	Regulatory standards
Chromium.....	0.0006	0.008	0.041	0.05
Lead.....	< .0041	.078	.0006	.05

The Agency notes that lead levels in the lagoon sludge (at the compliance point) exceed the Agency's regulatory standards and, therefore, are of regulatory concern. The Agency further notes that chromium levels in the lagoon sludge (at the compliance point) do not exceed the Agency's regulatory standard for chromium and, therefore, chromium is not of regulatory concern.

C. Final Agency Decision

For the reasons stated in the proposal, and the Agency's response to comments, the Agency believes that the wastewater generated by Du Pont's manufacturing process, the lagoon water, and the lagoon sludge are hazardous and as such should not be excluded from hazardous waste control. The Agency, therefore, is denying Du Pont's petition for its wastes listed as EPA Hazardous Waste Nos. K103 and K104, which are generated and stored at its facility located in Beaumont, Texas. By this action, the Agency also withdraws the temporary exclusion granted for this waste on November 22, 1982 (see 47 FR 52680).

III. Effective Date

The Hazardous and Solid Waste Amendments of 1984 amended section 3010 of RCRA to allow rules to become effective in less than six months when the regulated community does not need the six-month period to come into compliance. This is not the case, however, for the two petitioners included in this notice having their temporary exclusions revoked and final exclusions denied. They will have to revert back to handling their wastes as they did before being granted their temporary exclusions (*i.e.*, they must handle their wastes as hazardous). These petitioners will need some time to come into compliance with the RCRA hazardous waste management system. Accordingly, the effective date of the revocation of these temporary exclusions and denials is six months after publication of the final rule in the Federal Register.

IV. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a Regulatory Impact Analysis. This regulation, which would revoke temporary exclusions and deny petitions from two facilities, is not major. The effect of this rule would increase the overall costs for the facilities which currently have temporary exclusions that are being revoked and denied. The actual costs to these companies, however, would not be significant. In particular, in calculating the amount of waste that is generated by these two facilities that currently have temporary exclusions and considering a disposal cost of \$300/ton, the increased cost to these facilities is approximately \$8.6 million, well under the \$100 million level constituting a major regulation. In addition, some of these companies are large and, therefore, the impact of this rule will be relatively small. This rule is not a major regulation; therefore, no Regulatory Impact Analysis is required.

V. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. sections 601 through 612, whenever an Agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). The Administrator may certify, however, that the rule will not have a significant economic impact on a substantial number of small entities.

This amendment will have the effect of increasing overall waste disposal costs. This rule only affects two facilities across different industrial segments. The overall economic impact, therefore, on small entities is small. Accordingly, I hereby certify that this regulation will not have a significant economic impact on a substantial number of small entities.

This regulation, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 261

Hazardous waste, Recycling.

Authority: Sec. 3001 RCRA, 42 U.S.C. 6921.

Dated: November 7, 1986.

J.W. McGraw,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 86-25838 Filed 11-14-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6736]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the *Federal Register*.

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646-2717, Federal Center Plaza, 500 C Street, Southwest, Room 416, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate floodplain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et. seq.). Accordingly, the communities will be suspended on the effective date in the fourth column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date.

These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the *Federal Register*. In the interim, if you wish to determine if a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Administrator finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, FEMA hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local floodplain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision

not to (adopt) (enforce) adequate floodplain management, thus placing itself in noncompliance of the Federal standards required for community participation. In each entry, a complete chronology of effective dates appears for each listed community.

§ 64.6 List of eligible communities.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

PART 44—[AMENDED]

The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et. seq., Reorganization Plan No. 3 of 1978, E.O. 12127. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

State	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified	Date certain Federal assistance no longer available in special flood hazard areas
REGION I					
Massachusetts	Braintree, town of, Norfolk County	250233C	Nov. 10, 1972, Emerg., June 1, 1978, Reg., Nov. 19, 1986, Susp.	Aug. 2, 1974, June 1, 1978 and Nov. 19, 1986.	Nov. 19, 1986.
Maine	Litchfield, town of, Kennebec County	230238B	Feb. 16, 1976, Emerg., Nov. 19, 1986, Reg., Nov. 19, 1986, Susp.	Feb. 7, 1975, Oct. 8, 1976 and Nov. 19, 1986.	Do.
REGION III					
Pennsylvania	Hickory, township of, Forest County	421646B	Dec. 17, 1975, Emerg., Nov. 19, 1986, Reg., Nov. 19, 1986, Susp.	Dec. 20, 1974, Jan. 30, 1981 and Nov. 19, 1986.	Do.
Do	Hunker, borough of, Westmoreland County	420680A	Aug. 5, 1980, Emerg., Nov. 19, 1986, Reg., Nov. 19, 1986, Susp.	Nov. 19, 1986.	Nov. 19, 1987.
Do	Paint, borough of, Somerset County	420600B	Aug. 27, 1975, Emerg., Nov. 19, 1986, Reg., Nov. 19, 1986, Susp.	July 26, 1974, Dec. 26, 1975 and Nov. 19, 1986.	Nov. 19, 1986.
Do	Southwest Greensburg, borough of, Westmoreland County	420901C	June 30, 1976, Emerg., Nov. 19, 1986, Reg., Nov. 19, 1986, Susp.	Feb. 1, 1974, Sept. 28, 1975, June 30, 1976 and Nov. 19, 1986.	Do.
REGION IV					
Kentucky	Lewisport, city of, Hancock County	210093B	May 9, 1975, Emerg., Nov. 19, 1986, Reg., Nov. 19, 1986, Susp.	Feb. 1, 1974, Oct. 17, 1975 and Nov. 19, 1986.	Do.
REGION V					
Wisconsin	Boyceville, village of, Dunn County	550119B	June 23, 1975, Emerg., Nov. 19, 1986, Reg., Nov. 19, 1986, Susp.	June 14, 1974, Aug. 6, 1976 and Nov. 19, 1986.	Do.
Do	Mellen, city of, Ashland County	550007B	June 20, 1975, Emerg., Nov. 19, 1986, Reg., Nov. 19, 1986, Susp.	Dec. 17, 1973, May 14, 1976 and Nov. 19, 1986.	Do.
REGION VII					
Kansas	Park City, city of, Sedgwick County	200863A	May 28, 1982, Emerg., Nov. 19, 1986, Reg., Nov. 19, 1986, Susp.	Nov. 19, 1986.	Nov. 19, 1987.
Do	Peabody, city of, Marion County	200208	Sept. 18, 1974, Emerg., Nov. 19, 1986, Reg., Nov. 19, 1986, Susp.	June 28, 1974, Nov. 21, 1975 and Nov. 19, 1986.	Nov. 19, 1986.
Missouri	Flinthill, village of, St. Charles County	290863B	July 9, 1980, Emerg., Nov. 19, 1986, Reg., Nov. 19, 1986, Susp.	Dec. 9, 1980 and Nov. 19, 1986.	Do.
Do	Annada, village of, Pike County	290267A	Aug. 17, 1979, Emerg., Nov. 19, 1986, Reg., Nov. 19, 1986, Susp.	Feb. 7, 1975 and Nov. 19, 1986.	Do.
REGION X					
California	Marin County, unincorporated areas	060173	March 1, 1982, Emerg., Nov. 19, 1986, Reg., Nov. 19, 1986, Susp.	Feb. 25, 1977 and March 1, 1982.	Do.
MINIMAL CONVERSION					
Wisconsin	Bruce, village of, Rusk County	550370	Nov. 26, 1974, Emerg., Sept. 1, 1986, Reg., Nov. 19, 1986, Susp.	May 24, 1974, May 28, 1976 and Sept. 1, 1986.	Do.

Code for reading 4th column: Emerg.—Emergency, Reg.—Regular, Susp.—Suspension.

Issued: November 7, 1986.

Harold T. Duryee,

Administrator, Federal Insurance Administration.

[FR Doc. 86-25874 Filed 11-14-86; 8:45 am]

BILLING CODE 6718-03-M

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 505, 513, 519 and 552

[Acquisition Circular AC-86-7]

Increase in Thresholds for Certain Requirements Relating to Small Purchases

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Temporary regulation.

SUMMARY: This Acquisition Circular temporarily amends Parts 505, 513, 519

and 552 of the General Services Administration Acquisition Regulation (GSAR), Chapter 5, to implement section 101(c) of the Continuing Resolution for Appropriations FY 1986, Title IX, section 922, (Pub. L. 99-500), enacted October 18, 1986, which increases thresholds for certain requirements relating to small purchases. The intended effect is to implement the statutory change within the General Services Administration pending a revision to the Federal Acquisition Regulation.

DATES: Effective Date: November 3, 1986.

Expiration Date: May 3, 1987.